IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

SPL. APPL. WRIT No. 674 of 2006

STATE & ORS.
V/S
DHAN SINGH

Mr. NM LODHA,AAG, for the appellant / petitioner

Mr. MR SINGHVI, for the respondent

Date of Order : 28.11.2007

HON'BLE SHRI N P GUPTA,J.
HON'BLE SHRI MUNISHWAR NATH BHANDARI,J.

ORDER

This appeal has been filed by the appellant against the judgment of the learned Single Judge dated 5.10.2004 directing the present appellants to consider the case of the petitioner for absorption/appointment on the post of LDC in pursuance of the Rules as amended by the Notification dated 18.12.1989 as he fulfills all the conditions laid down therein, and to do it within the time framed. Then it is further directed that he be placed in the regular pay scale w.e.f. the date his services are taken on regular cadre in terms of the said Rules.

The appeal was admitted, but no interim stay was granted. However, during the meantime, the order of the learned Single Judge had been complied with. It is informed that the necessary screening was undertaken, the writ petitioner was subjected to necessary examinations, which

also he cleared, and consequently he has been absorbed vide order dated 26.9.2006.

In our view, this being the position, and in view of the fact, that the judgment has been passed by the learned Single Judge relying upon the earlier judgment of this Court in S.B.C.W.P.No.93/90 "Madan Lal Vs. State of Rajasthan" decided on 24.4.1992, which judgment has acquired finality, and also in view of the fact, that further proviso to clause (b) of sub-rule (1) of Rule 7 has been added in the Rajasthan Subordinate Offices Ministerial Staff Rules, 1957, it cannot be said that the learned Single Judge was at all in any error in giving the directions as given, rather to put it more aptly, the direction is only to comply with the provisions of the said Rules of 1957.

In view of the above, we do not find any force in the appeal. The same is, therefore, dismissed.

(MUNISHWAR NATH BHANDARI),J. (N P GUPTA),J.

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